



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
(December 16<sup>th</sup>, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** B/DS-13-39 (Stacy Stater)  
**Staff:** Leanne Wells  
**Applicant:** Stacy Stater  
**Property Size:** 9.747 Acres  
**Current Zoning:** AP (Agriculture Preferred)  
**Location:** 10121 E 550 N, Flat Rock Township.

**Background Summary:**

The applicant is requesting a variance from Zoning Ordinance Section 6.1 (E) (3) to allow an accessory structure to be placed in the front yard. The request is for a 40 foot x 60 foot pole barn to be located in the front yard. The property is located at 10121 E 550 N, Flat Rock Township

**Preliminary Staff Recommendation:**

Approval, all 3 criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the AP (Agriculture Preferred) is intended to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit nonagricultural development in areas with minimal, incompatible infrastructure. Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

**Development Standards:** Section 6.1 (E) (3) states no accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the district in which it is located.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single-Family Residential
<b>Site Features:</b>	Wooded buffer to the south and east of the primary structure, Chicken Creek runs through the property to the south.
<b>Flood Hazards:</b>	100-year floodway on small section to the west and south of the primary structure.
<b>Vehicle Access:</b>	550 North. County Road (Collector)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AP (Agriculture Preferred)	Single-Family Residential and agriculture
<b>South:</b>	AP (Agriculture Preferred)	Agriculture—land owned by applicant
<b>East:</b>	AP (Agriculture Preferred)	Agriculture—land owned by applicant
<b>West:</b>	AP (Agriculture Preferred)	Single-Family Residential and agriculture

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is proposing to build a 40 foot x 60 foot pole barn to be located in the side yard but closer to the road than the house. The use of the structure is unknown but most likely for tool and/or equipment storage.
2. The surrounding properties are all zoned AP (Agriculture Preferred). Some of the surrounding properties are single family residences. Many have accessory structures; but all are located behind the primary structures in either the rear or side yards. The applicant's house has a very long setback compared to the other properties at 125 feet from the right of way. The applicant would like the pole barn to be located approximately 95 feet from the public right of way.
3. The subject property is 9.747 acres. The applicant has stated these reasons for their siting the structure closer to the road: this will require minimal amount of land preparation, no trees will have to be removed, and Chicken Creek has been known to rise above its banks to cause flooding. Ms. Stater replied that she has never seen the creek rise but her neighbors have witnessed this in the past. The FEMA 100 year flood plain has been mapped on the applicant's property on a portion to the west along Chicken Creek. However, FEMA does not map flood areas that are smaller than 1 sq. mile. Chicken Creek is downstream from Haw Creek, making the likelihood that Chicken Creek is in the flood plain is high. In order for the applicant to build in this area, the Floodplain Administrator would require the applicant to have this area surveyed and mapped (Section 4.7 (K)(2)).
4. The applicant's septic system is located directly behind their residence.
5. There are significant tree buffers located on the applicants land to the east, south and west of the house.
6. The character of the area is agriculture and rural in nature. Placing a pole barn in the location the applicant is requesting will not distract from the rural aesthetic that currently exists.

**Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The proposed location of the pole barn will not be in the public right-of-way or visibility areas of 550 North; therefore approval of the proposed request will not be injurious to the public health and safety. *This criterion **has** been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The uses and values of the surrounding area will not be affected in a substantially adverse manner by the approval of an accessory structure in the front yard. The character of the area is agriculture in nature. Placing a pole barn in this location will not distract from the rural aesthetic that currently exists. *This criterion **has** been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The house is setback approximately 125 feet from the right of way and their septic is located in the back yard making their rear yard limited for barn placement. The property is located downstream of Haw Creek and has a portion of Chicken Creek running through the property. The 100 year flood plain is located to the west on the property in a portion of Chicken Creek. The likelihood that a greater portion of Chicken Creek is in a flood plain is high. In order for the applicant to build in this area, the Floodplain Administrator would require the applicant to have this area surveyed and mapped (Section 4.7 (K)(2)). Lastly, the side yards have significant tree buffering thereby limiting their ability to site a barn in these areas. *This criterion **has** been met.*

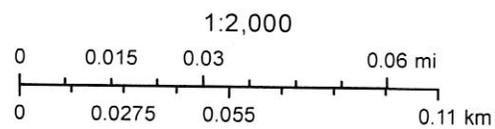
#### **Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Robert & Stacy Stater 10121 E 550 N Col, In 47203



November 4, 2013





Columbus – Bartholomew County Planning Department  
Development Standards Variance Application

Planning Department Use Only:

Jurisdiction:  Columbus  Bartholomew County

Zoning: AP

Docket No.: BIDS-13-09

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: STACY L STATER  
Address: 10121 E 550 N COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0706 Fax No.: \_\_\_\_\_ E-mail Address: stater@bcremc.net

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: ROBERT D + STACY L STATER  
Address: 10121 E 550 N COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0706 Fax No.: \_\_\_\_\_ E-mail Address: stater@bcremc.net

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: STACY L STATER  
Address: 10121 E 550 N COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0706 Fax No.: \_\_\_\_\_ E-mail Address: stater@bcremc.net

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

Property Information:

Address: 10121 E 550 N COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

**Variance Requested:**

I am requesting a variance from Section 6.1 (E) (3) of the Zoning Ordinance to allow the following:

THE PLACEMENT OF AN ACCESSORY STRUCTURE (40x60 POLE BARN).  
THE STRUCTURES PROPOSED LOCATION IS IN THE SIDE YARD OF THE  
RESIDENCE, HOWEVER THE STRUCTURE WILL BE CLOSER TO THE ROAD  
THAN THE EXISTING RESIDENCE IS

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

THE PLACEMENT OF THE ACCESSORY STRUCTURE WILL NOT BE INJURIOUS  
TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF  
THE COMMUNITY. THE STRUCTURE WILL BE APPROXIMATELY 140' FROM  
THE ROAD AND WILL BE USED FOR PRIVATE STORAGE.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

THE USE AND VALUE OF THE ADJACENT PROPERTIES WILL NOT BE  
AFFECTED DUE TO THIS VARIANCE REQUEST. TWO OF THE PROPERTIES  
ARE CURRENTLY BEING USED FOR AGRICULTURAL USE AND THE OTHER  
TWO ARE RESIDENTIAL. WITH THE PROPOSED LOCATION OF THE STRUCTURE  
THE TWO RESIDENTIAL PROPERTIES WILL BE UN-AFFECTED.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

THE TERMS OF THE ZONING ORDINANCE WILL NOT RESULT IN  
DIFFICULTIES IN THE USE OF THIS PROPERTY. THERE WILL NOT  
BE A PERCEIVED REDUCTION OR RESTRICTION ON ECONOMIC GAIN.

I did not fully understand the following question on the application to request a variance at the time in which I filled the application out.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

THE TERMS OF THE ZONING ORDINANCE WILL NOT RESULT IN DIFFICULTIES IN THE USE OF THIS PROPERTY. THERE WILL NOT BE A PERCEIVED REDUCTION OR RESTRICTION ON ECONOMIC GAIN.

I would like to submit the following additional information regarding the question/statement.

The location of the proposed auxiliary structure was chosen for several reasons

- Primary structure which was built in 1978 is set back pretty far from the road to start with.
- Behind the primary structure runs Chicken Creek, several established neighbors have advised us that Chicken Creek has gotten out of its banks in the past. This would cause potential flooding of any structure located behind the primary structure
- The elevation drops behind the location of the primary structure causing there to be the potential risk of flooding.
- The septic system for the primary structure is located directly behind the primary structure; we wish to refrain from driving excessively in that area.
- Placing the proposed auxiliary structure farther behind the primary structure would cause the crossing of Chicken Creek to utilize the structure which is not ideal.
- Due to the elevation drop directly behind the primary structure the proposed location was chosen so that the auxiliary structure can be utilized year round. A concern is that inclement weather will potentially cause the driveway behind the primary structure to not be utilized due to the elevation drop.
- The proposed location for the auxiliary structure was also chosen because it will require the minimal amount of removal of yard/grass, farmable land and trees. This location will also minimize the extension of the gravel driveway to the proposed structure retaining as much yard/grass, farmable land and as possible

**Application Fee Refund Information:**

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: STACY L STATER  
Address: 10121 E 550 N COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Stacy L Stater 11/8/2013  
(Applicant's Signature) (Date)

**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Stacy L Stater 11/8/2013  
(Owner's Signature) (Date)  
Robert Stater 11-8-13  
(Owner's Signature) (Date)